

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2022-88-T- ORDER NO. 2022-\_\_\_\_  
May 18, 2022

IN RE: Application of MyRide SC,	)	ORDER GRANTING
LLC for a Class C (Non-	)	CLASS C NON- EMERGENCY
Emergency) Certificate of	)	CERTIFICATE
Public Convenience and	)	
Necessity for Operation of a	)	
Motor Vehicle Carrier	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) by way of the Application of MyRide SC, LLC (“MyRide”) for a Class C Non-Emergency Certificate of Public Convenience and Necessity to render motor carrier service as follows:

BETWEEN POINTS AND PLACES IN HORRY, GEORGETOWN, WILLIAMSBURG, MARION, DILLON, CHARLESTON, BERKELEY, AND DORCHESTER COUNTIES. RESTRICTED TO: SEVEN (7) PASSENGERS.

### **1. Background**

MyRide filed its Application in this matter on March 1, 2022. On March 10, 2022, the Commission received a letter of protest from Maria Walker alleging that Applicant’s vehicles are not roadworthy. On March 17, 2022, Candace Burch filed a letter of protest alleging that the counties MyRide desires to serve are already adequately served and there was no need for another carrier, and that the Application was incomplete because Applicant’s articles of incorporation did not accompany it. On March 24, 2022, MyRide filed its articles of incorporation, and the Commission asked the Office of Regulatory Staff (“ORS”) to investigate the letters of protest Order 2022-171 (March 24, 2022). On April 15, 2022, ORS responded that it inspects every entity that applies for a CPCN following the issuance of the Commission’s Order approving the

Application and will not issue a CPCN if it finds an applicant's vehicles are unsafe. ORS offered no opinion regarding the need for Class C (Non-Emergency) carriers.

On April 19, 2022, the Chief Hearing Officer issued an Order granting Ms. Burch intervenor status. Order No. 2022-37-H. After MyRide pointed to its March 24th response to Ms. Burch's letter of protest, the Chief Hearing Officer rescinded his Order granting intervention and referred the question to the Commission. Order No. 2022-38-H. Ms. Burch supplemented her petition to intervene on April 25, 2022.

On April 25, 2022, Scott Bagwell, the Customer Advocate/Transportation Manager for Modivcare, the sole transportation broker for non-emergency medical transportation for South Carolina's Medicaid program, wrote a letter supporting My Ride and stating that delay of the carrier's Application was harming the state's citizens.<sup>1</sup> Charles L.A. Terreni, Esq. entered his appearance on behalf of MyRide on April 26, 2022. ORS was represented by Andrew Bateman, Esq. and took no position in this Docket. On April 27, 2022, Ms. Burch filed a second letter of protest stating that she desires to "intervene and protest the letter sent by Modivcare." On May 3, 2022, MyRide moved for expedited consideration of its Application.

## **2. Ms. Burch's Petition to Intervene.**

As grounds for intervention, Ms. Burch claims the counties that MyRide applies to serve have more providers than necessary for Modivcare's needs, which she claims has reduced rideshare allocations to carriers since the onset of Covid-19. Ms. Burch further asserts that Modivcare has not offered a fee increase in eight years. Notwithstanding Ms. Burch's assertions about the market, on March 17, 2022, Merit Transit, LLC ("Merit Transit"), a company of which

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<sup>1</sup> A sworn verification of Mr. Bagwell's testimony was filed on May 4, 2022.

she is the principal officer, applied for a Class C (Non-Emergency) CPCN with statewide authority. Merit Transit's Application was uncontested and approved by the Commission on April 19, 2022. Order No. 2022-230, Dkt. No 2022-118-T.

The Commission denies the Petition to Intervene filed by Ms. Burch, Ms. Burch lacks standing to intervene, fails to state valid grounds for intervention, and has taken inconsistent positions before this Commission.

Ms. Burch fails to state an interest that justifies intervention. Ms. Burch says she is the owner/principal of a Non-Emergency Transportation carrier serving the same counties which MyRide seeks to serve and is a competitor of MyRide. While Ms. Burch's transportation company may have an interest in this Docket, Ms. Burch, in her personal capacity, does not. *See e.g.,* Order No. 86-765 (July 24, 1986)

The Petition alleges (based on hearsay) that several carriers already serve one of the nine counties that Applicant seeks to serve but provides no information on the other counties. While Ms. Burch complains that Modivcare has not increased fees to transportation providers, the Supreme Court of South Carolina held that detrimental diversion of income, while sometimes relevant to a determination of public convenience and necessity, "is not determinative, as loss of revenue by existing carrier should not itself defeat an application for additional services." *Greyhound Lines, Inc. v. South Carolina Public Service Comm*, 274 S.C. 161,166, 262 S.E. 2d 18, 21 (1980).

Further, it is inconsistent for Merit Transit, of which Ms. Burch is a principal, to assert through the filing of its Application that a need exists for Class C Non-Emergency transportation services and then allege in a Petition against a competitor, who filed first in time, that no need for the service exists.

**The Application.**

Upon consideration of the Application, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that MyRide is fit, willing, and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the Certificate is required by public convenience and necessity as evidenced by the verified statement of Scott Bagwell.

Regarding Ms. Walker's allegations about the safety of MyRide's vehicles, the Commission notes that ORS conducts a thorough inspection of every entity that applies for a Class C CPCN based on Commission Rules and Regulations to ensure each applicant meets the requirements of Fit, Willing and Able. ORS conducts this inspection as part of the compliance stage following the Commission's issuance of its Order, which has typically allowed for a 90-day period during which ORS conducts its inspection. If the inspection yields findings that a company's vehicle(s) are not safe or fail to meet any aspect necessary to be fit, willing, and able, the company fails the inspection, and ORS does not issue the Certificate.

IT IS THEREFORE ORDERED:

1. The Petition to Intervene of Candace Burch is denied.
2. The Application of MyRide, SC LLC for a Class C Non-Emergency Certificate of Public Convenience and Necessity is hereby approved.
3. The Applicant, for the duration of operating pursuant to this Class C Non-Emergency Certificate of Public Convenience and Necessity, shall notify the Commission and ORS in writing of any changes to Applicant's mailing and/or physical address, email, telephone numbers, or other contact information.

4. The Applicant will file, or cause to be filed, with the ORS the proper license fees, proof of liability insurance (*i.e.*, "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (2015), as amended, and by S.C. Code Ann. Regs. 103-100 through 103-241 (2012) of the Commission's Rules and Regulations for Motor Carriers, and S. C. Code Ann. Regs. 38-400 through 38-503 (2011) of the Department of Public Safety's Rules and Regulations for Motor Carriers, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.

5. Upon compliance with the filing of information as required by S.C. Code Ann. Section 58-23-10, et seq. (2015), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 10 (2012), as amended, a Certificate shall be issued by ORS to the Applicant authorizing the motor carrier services granted herein.

6. Prior to compliance with the requirements regarding the filing of certain information with the ORS and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.

7. Failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within ninety (90) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, this Order granting the Application shall be deemed null and void, and the Application herein shall be dismissed without prejudice. In this event, no further order of this Commission is necessary.

8. Pursuant to the two-month reporting requirement contained in Order No. 2014-443 (May 21, 2014), the ORS is requested to furnish the name and docket numbers of the

**MAY 18, 2022**

PAGE6

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Applicant to the Commission, should the Applicant fail to meet the requirements of the present Order. After such notification, the Docket shall be closed.

9. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

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Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina